

Board of Education Agenda Item

Item: _____ O. _____

Date: September 27, 2006

Topic: First Review of Proposed Amendments to Virginia's No Child Left Behind (NCLB) Accountability Workbook Affecting Calculations of Adequate Yearly Progress (AYP) for the 2007-2008 School Year Based on Assessments Administered in 2006-2007

Presenter: Ms. Shelley Loving-Ryder, Assistant Superintendent for Assessment and Reporting

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Origin:

____ Topic presented for information only (no board action required)

____ Board review required by

X State or federal law or regulation

____ Board of Education regulation

____ Other: _____

____ Action requested at this meeting ____ Action requested at future meeting: _____ (date)

Previous Review/Action:

____ No previous board review/action

X Previous review/action

date July 26, 2006

action Approved timeline for submission of evidence to USED

Background Information:

Status of Virginia's Consolidated State Application Accountability Plan

The *No Child Left Behind Act of 2001* (NCLB), which is a reauthorization of the Elementary and Secondary Education Act (ESEA), requires all state educational agencies (SEA) to submit for approval to the United States Department of Education (USED) individual program applications or a consolidated state application. In May 2002 the Virginia Board of Education submitted and received USED approval for its initial Consolidated State Application under the NCLB law. The NCLB application process involves multiple submissions of information, data, and policies. A major component of the consolidated application is Virginia's Consolidated State Application Accountability Workbook that describes a single statewide accountability system for the Commonwealth. The policies and procedures that were used to determine Adequate Yearly Progress (AYP) ratings for the 2006-2007 school year based on 2005-2006 assessment results are described in the amended workbook dated July 21, 2006.

Status of USED Standards and Assessment Peer Review

As part of the NCLB compliance requirements, states must submit materials to the USED for a peer review of the processes and policies related to the development and implementation of the state's standards and assessments. In November 2005, the Virginia Department of Education submitted available documentation to USED for review under this requirement. Because Virginia implemented new tests in reading and mathematics in grades 3 through 8 in spring 2006, as well as a revised alternate assessment program for students with significant cognitive disabilities, some of the required information was not available at the time of the November 2005 submission.

On March 22, 2006, USED issued a letter to Virginia outlining additional evidence to be submitted after the spring 2006 test administration. On June 13, 2006, Virginia submitted a timeline for providing the additional evidence. On June 28, 2006, USED issued a second letter rating Virginia's assessment system as *Approval Pending*. The letter stated that "Virginia's system has one fundamental component that warrants the designation of *Approval Pending*. Specifically, we cannot approve Virginia's standards and assessment system due to outstanding concerns regarding the validity, comparability, alignment, reporting and approved academic achievement standards for the Stanford English Language Proficiency (SELP) assessment when used as a proxy for the reading Standards of Learning (SOL) assessments."

Based on the *Approval Pending* rating Virginia was placed under mandatory oversight by USED and was required to provide, within 25 business days from the receipt of the letter, a plan and a detailed timeline for how it will meet the remaining requirements to come into full compliance by the end of the 2006-2007 school year. A second peer review of the additional information will be conducted once all additional evidence has been submitted.

At its July 26, 2006, meeting the Virginia Board of Education approved a detailed timeline for submission of additional evidence to USED. The timeline included a review of certain aspects of the Virginia Assessment System by the Board of Education at its September 27, 2006, meeting. On August 31, 2006, the Virginia Department of Education received a letter from USED approving Virginia's timeline.

Summary of Major Elements

Amendments to Virginia's Accountability Workbook that address the following issues will be presented:

- elimination of the SELP test as the state-approved assessment instrument to be used as a proxy for the SOL reading tests in grades 3 through 8 for LEP students at level 1 or 2 of English language proficiency;
- removal of scores resulting from certain substitute tests from the calculation of AYP;
- removal of scores resulting from Virginia Substitute Evaluation Program (VSEP) from the calculation of AYP; and
- expansion of the Virginia Grade Level Alternative (VGLA) to include LEP students at levels 1 and 2 of English language proficiency.

The proposed amendments would affect the calculation of AYP for the 2007-2008 school year based on assessments administered in 2006-2007.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board accept for first review the proposed amendments to Virginia's NCLB Accountability Workbook for assessments during the 2006-2007 school year.

Impact on Resources:

It is expected that changes to the assessment and accountability systems resulting from these amendments can be made using existing state resources.

Timetable for Further Review/Action:

The amendments to Virginia's Accountability Workbook will be presented to the Virginia Board of Education for final review at the October 25, 2006, meeting.

Proposed Amendments to Virginia Consolidated State Application Accountability Plan Required in NCLB

September 2006

NCLB Statutory Authority for Amendment Requests:

“SEC. 9401. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL- Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this act for a state educational agency, local educational agency, Indian tribe, or school through a local educational agency, that —

(1) receives funds under a program authorized by this Act; and

(2) requests a waiver under subsection (b).”

1. Use of the SELP as a “Proxy” for the SOL Reading Test for Certain LEP Students (Critical Element 5.4)

Request: Virginia will remove from the Accountability Workbook the designation of the Stanford English Language Proficiency (SELP) test as the state-approved assessment instrument linked directly to the reading Standards of Learning (SOL) for use with Limited English Proficient (LEP) students at levels 1 and 2 of English language proficiency.

Rationale: On June 28, 2006, the United States Department of Education (USED) issued a letter rating Virginia’s assessment system as *Approval Pending*. The letter stated that “Virginia’s system has one fundamental component that warrants the designation of *Approval Pending*. Specifically, we cannot approve Virginia’s standards and assessment system due to outstanding concerns regarding the validity, comparability, alignment, reporting and approved academic achievement standards for the Stanford English Language Proficiency (SELP) assessment when used as a proxy for the reading Standards of Learning (SOL) assessments.” Based on these concerns, Virginia will eliminate the use of scores from the SELP reading subtests for LEP students at levels 1 and 2 of English language proficiency in the calculation of Adequate Yearly Progress (AYP).

2. Expansion of the VGLA to Include LEP students (Critical Element 5.4)

Request: Virginia will expand the Virginia Grade Level Alternative (VGLA) to include LEP students.

Rationale: The VGLA is an alternative assessment that assesses the SOL for the grade level in which the student is enrolled. It is currently available to students with disabilities in grades 3 through 8 who are being instructed in grade level content but who are unable to participate in the regular SOL assessment even with accommodations. Students participating in VGLA are required to demonstrate achievement of the content standards as presented in the SOL test blueprint for the content area in which they are being assessed. Students compile a collection of work samples to demonstrate achievement of all content standards addressed in the test blueprint for the test.

Virginia will allow LEP students who are at levels 1 and 2 of English language proficiency to participate in the VGLA in the area of reading. The VGLA measures grade level content standards but allows for the use of student work samples to demonstrate achievement of the SOL addressed in the test blueprint.

3. AYP: Inclusion of Scores from VSEP (Critical Element 3.2)

Request: Virginia will no longer include the scores of students who participate in the Virginia Substitute Evaluation Program (VSEP) in the participation rate or pass rate calculations for AYP.

Rationale: The VSEP is an alternative method of assessing students who, because of the nature of their disability, are unable to participate in the regular SOL assessment even with testing accommodations. Students participating in the VSEP are required to demonstrate achievement of the content standards as presented in the SOL test blueprint for the course in which they are being assessed. Students compile a collection of work samples to demonstrate achievement of all content standards addressed in the test blueprint for the end-of-course test.

While the VSEP has been in existence for several years the number of students participating in the program has been very small. In the feedback from the peer review of Virginia's Standards and Assessment System, USED requested additional information about the reliability, validity, comparability, alignment, and achievement standards of the VSEP. Currently, the number of students participating in the VSEP is too small to prepare the technical reports necessary to respond to USED's concerns. Therefore, Virginia will remove VSEP scores from the calculation of AYP until such time as there are sufficient numbers of students participating in this program to prepare the required documentation. VSEP will still be provided as an assessment option for students with disabilities, but the scores resulting from this program will not be included in AYP.

4. AYP: Inclusion of Scores from Substitute Tests (Critical Element 3.2)

Request: Virginia will no longer include the scores of students who take certain tests approved by the Virginia Board of Education as substitutes for end-of-course Standards of Learning tests in the participation rate or pass rate calculations for AYP.

Rationale: In the feedback from the peer review of Virginia's Standards and Assessment System, USED requested additional information about the comparability and alignment of substitute tests approved by the Virginia Board of Education to the SOL tests. At this time the number of Virginia students using the substitute tests is too small to prepare the technical documentation required to satisfy USED's request. Therefore, Virginia will remove scores from substitute tests from the calculation of AYP until such time as there are sufficient numbers of students participating in this program to prepare the required documentation. Substitute tests will still be available for students to use in meeting verified credit requirements but the scores will not be included in AYP.

USED has invited Virginia to participate in a pilot program looking at the use of Advanced Placement (AP) and International Baccalaureate (IB) tests as substitutes for the statewide reading and mathematics tests. Under this agreement Virginia may include in the calculation of AYP for 2007-2008 AP or IB scores from the 2006-2007 assessment administration.

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